IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19771 of 2004

Between:

1 Nadepalli Sathi Raju, S/o Nookayya,
Thondangi Village and Mandalam, East Godavari District.
2 Nadepalli Chandra Rao, S/o Sathi Raju,
Thondangi Village and Mandalam, East Godavari District.
3 Nadepalli Naga Raju, S/o Nookayya,
Thondangi Village and Mandalam, East Godavari District.
4 Nadepalli Chandra Rao, S/o Naga Raju,
Thondangi Village and Mandalam, East Godavari District.

..... PETITIONERS

AND

1 The Commissioner, Temple Lands & Endowments, Govt. of A.P.
Tilak Road, Hyderabad.
2 The Deputy Commissioner, Temple Endowments Department,

Kakinada,
East Godavari District.
3 The Assistant Commissioner, Temple & Endowments Land

Rajahmundry,
East Godavari District.
4 The Executive Officer, Pithapuram Endowments Lands Pithapuram,
East Godavari district.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to set aside the impugned orders M.P.No. 149/2003 and 163/2003 of R3 dated 28-7-2004 and further direct the respondents to allow the petitioner to continue to cultivate the said lands on lease as usual.

Counsel for the Petitioners: MR.G.SANYASI RAO

Counsel for the Respondents: SMT.N.INDRANI

The Court at the admission stage made the following:

ORDER:

The petitioners claim to be the cultivating tenants in respect of the lands belonging to the 4th respondent. It is claimed that they are all landless poor and therefore, entitled to the benefit under sub-section (2) of Section 82 of the Endowments Act. It is also stated that they made such a claim before the 3rd respondent - Assistant Commissioner of Endowments, but the same was rejected. The said order is under challenge in this writ petition.

Though the learned counsel for the petitioners raised various contentions assailing the order passed by the 3rd respondent, I am not inclined to express any opinion, since admittedly against the said order an alternative remedy is available by way of an appeal before the Regional Joint Commissioner under Rule 4 of the A.P. Charitable and Hindu Religious Institutions and Endowments Rules 2003.

Accordingly, the writ petition is disposed of, granting liberty to the petitioners to prefer an appeal to the Regional Joint Commissioner, within a period of two weeks from today. In case, such an appeal is preferred, the same shall be considered and disposed of, as expeditiously as possible, preferably within a period of four weeks from the date of filing of the appeal. Till the disposal of the appeal, the respondents are directed to maintain status quo obtaining as on today, as to the possession of the land in question and also not to conduct the auction in respect of the lease hold rights subject to the condition that the petitioners clear the arrears if any, and continue to pay the rents payable regularly. No costs.

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vs 28-10-2004

To

1 The Commissioner, Temple Lands & Endowments, Govt. of A.P.
Tilak Road, Hyderabad.
2 The Deputy Commissioner, Temple Endowments Department,

Kakinada,
East Godavari District.
3 The Assistant Commissioner, Temple & Endowments Land

Rajahmundry,
East Godavari District.
4 The Executive Officer, Pithapuram Endowments Lands Pithapuram,
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